

# **Exhibit 13**

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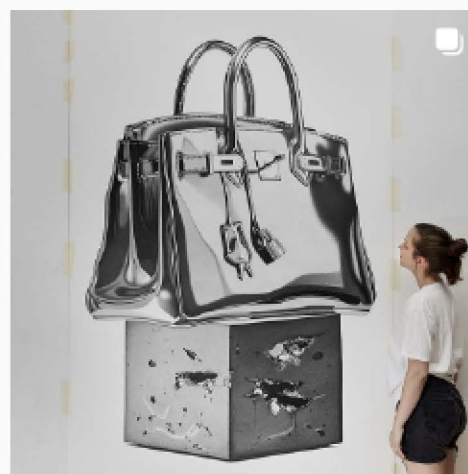
**MetaBirkins**

Digital creator

A digital art project by @masonrothschild living on the Ethereum blockchain. Feat. @voguelbusiness, @forbes, @bof, @elleusa, @hypebeast, @highsnobiety. [looksrare.org/collections/0x566b73997F96c1076f7cF9e2C4576Bd08b1A3750](https://looksrare.org/collections/0x566b73997F96c1076f7cF9e2C4576Bd08b1A3750)

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Dear Community,

So, Hermes filed a trademark lawsuit against me on Friday—although they didn't send me or my lawyers a copy. My lawyers and I have reviewed Hermes' complaint. Hermes' claims are groundless and we look forward to defeating those claims in court and helping to set a precedent.

I am not creating or selling fake Birkin bags. I've made art works that depict imaginary, fun-covered Birkin bags.

My lawyers at Lex Lumina PLLC put it well when they said that the First Amendment gives me the right to make and sell art that depicts Birkin bags, just as it gave Andy Warhol the right to make and sell art depicting Campbell's soup cans.

I have the right also to use the term "MetaBirkins" to describe truthfully what that art depicts, and to comment artistically on those bags and on the Birkin brand.

The fact that I sell the art using NFTs doesn't change the fact that it's art. It's quite clear from reading Hermes' complaint that they don't understand what an NFT is, or what NFTs do.

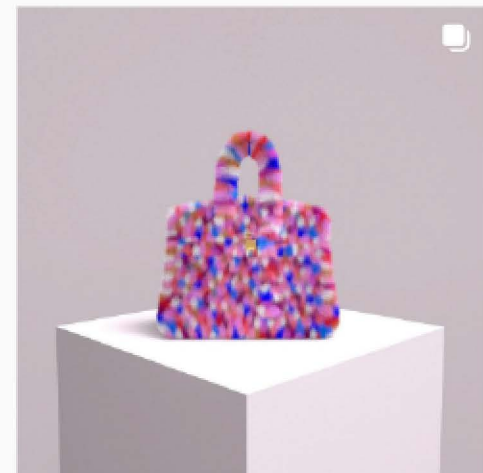
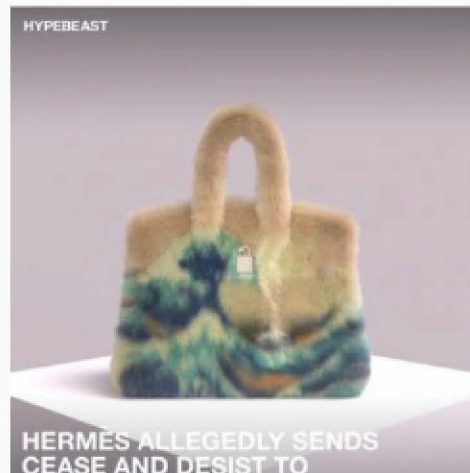
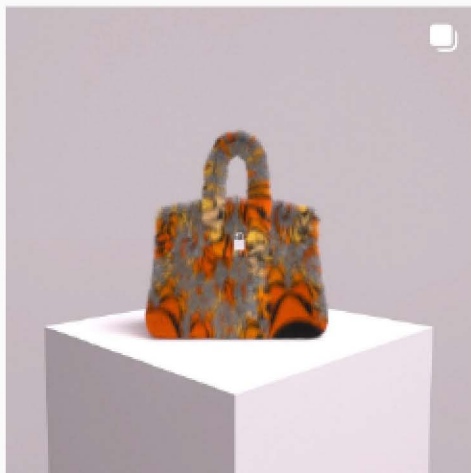
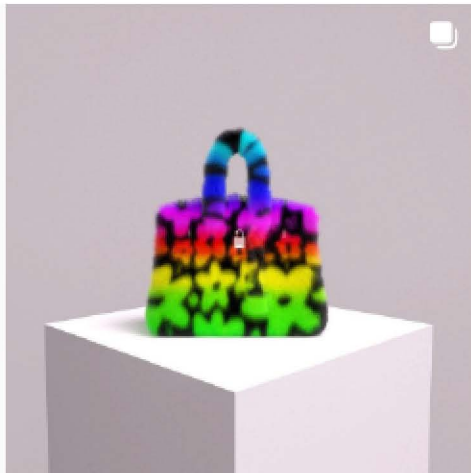
We have tried to be reasonable. Hermes first sent me a letter threatening a lawsuit if I didn't knuckle under and stop doing MetaBirkins altogether. We wrote to them and explained that we were doing nothing, we didn't have a right to do. We told them that we believed that the dispute could be resolved through an informal conversation between me and an Hermes representative. Hermes chose instead to break off negotiations and sue me.

I hope Hermes understands that I won't be intimidated.

**EXHIBIT**

Defendant's Exhibit 506

Instagram



Instagram



Dear Hermès,

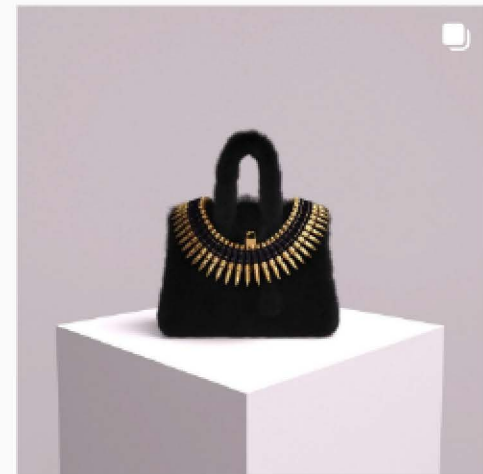
So, I got your cease & desist letter. While I am sorry if you were insulted by my art, as an artist, I will not apologize for creating it.

Now, as you are aware, the First Amendment gives me every right to create art based on my interpretations of the world around me. There are countless examples of artists who reference the world and the products and cultural artifacts in it. With that understanding, Metabirkins is a playful abstraction of an existing fashion-culture landmark. I re-interpreted the form, materiality and name of a known cultural touchpoint. Metabirkins are also a commentary on fashion's history of animal cruelty, and its current embrace of fur-free initiatives and alternative textiles. My aim is always to create additive art projects that contribute positively to the culture.

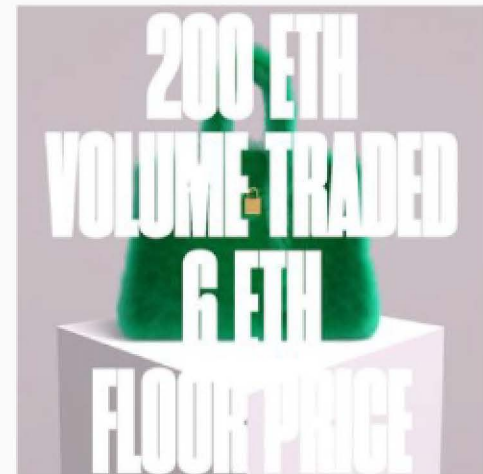
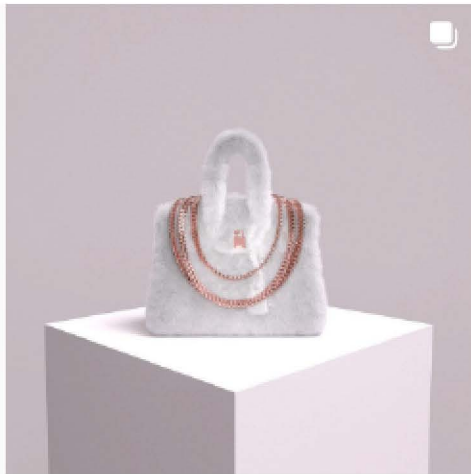
When it comes to art, selling my Metabirkins as NFTs is akin to selling them as physical art prints. It should not be my job to educate you on advancements in the world and the culture of art. Art is art.

There is a moving tide of innovation and evolution, and it is your role as a fashion powerhouse to amplify young creatives and artists rather than stomp them out. Your actions can help determine the future of art in the Metaverse.

You can be a part of an incredible movement.



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